

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JULIO PEREZ, JR., #852734

§

VS.

§

CIVIL ACTION NO. 5:08cv161

DAVID L. HUDSON, ET AL.

§

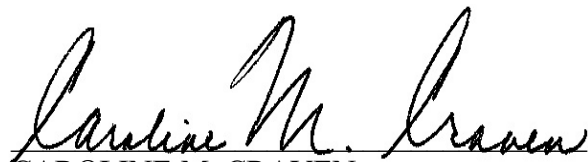
ORDER

Came on for consideration, the Plaintiff's motion to supplement (docket entry #45) his amended complaint with additional grievance documents that were returned to him beginning on December 22, 2008. The motion is reasonable. It is accordingly

ORDERED that the motion to supplement (docket entry #45) is **GRANTED**.

The Court notes that the complaint was filed on September 16, 2008. The Prison Litigation Reform Act of 1996 mandated that no action shall be brought by a prisoner "until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Civil rights claims filed before they were exhausted may be dismissed with prejudice. *See Underwood v. Wilson*, 151 F.3d 292 (5th Cir. 1998). The Plaintiff is placed on notice that the Defendants may raise the affirmative defense of failure to exhaust administrative remedies when they file a dispositive motion. *See Jones v. Bock*, 127 S.Ct. 910 (2007).

SIGNED this 6th day of March, 2009.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE